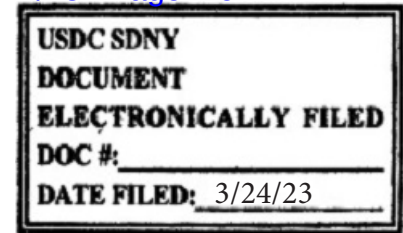




WWW.MKCLAWGROUP.COM
LAW OFFICES OF MICHAEL K. CHONG, LLC



NEW YORK:
1250 BROADWAY, 36TH FL. STE. 300
NEW YORK, NEW YORK 10001
(212) 726-1104
FAX (212) 726-3104

FORT LEE:
2 EXECUTIVE DRIVE, STE. 240
FORT LEE, NEW JERSEY 07024
(201) 947-5200
FAX (201) 708-6676

HOBOKEN:
300 HUDSON STREET, STE. 10
HOBOKEN, NEW JERSEY 07024
(201) 708-6675
FAX (201) 708-6676

* Please Reply to: FORT LEE

EMAIL:
BSHERR@MKCLAWGROUP.COM

MEMO ENDORSED

March 20, 2023

Via ECF

Hon. Barbara C. Moses, United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse

Re: *Kaloshi et al v. West Village Oasis, Inc. et al.*, 22 CV 4593 (ALC) (BCM)
Your Honor:

This firm represents the plaintiffs in the above-referenced action. On behalf of Mr. Tenezaca, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, and withapology for the delay, I move to extend the time to file the motion to dismiss as set forth in the March 9, 2023, order to April 5, 2023. I have not yet been able to arrange a time to meet with both Mr. Tenezaca and the necessary Spanish interpreter, who works in my office part-time, to discuss that order with him, and I am presently out of the country through March 27. I also wish to reconcile that order with Judge Carter's individual practice requiring an application for a premotion conference for a contemplated motion to dismiss and confirm that it is that application that the order requires to be made by the deadline set forth in the order. If so, I may be able to consult with Mr. Tenezaca and make that application sooner than I may be able to make his affidavit necessary to the motion.

I thank the Court for its time and consideration.

Respectfully submitted,

On March 8, 2023, plaintiff Tenezaca, through his counsel of record, offered to move to dismiss his claims, "supported by an affidavit from Mr. Tenezaca." (Dkt. 32 at 3.) On March 9, 2023, this Court instructed him to do just that, no later than March 16, 2023. (Dkt. 33 at 2.) Counsel ignored that deadline until March 20, 2023, and now asks for an extension until April 5, 2023, with no good explanation for either the failure to seek an extension in advance or the length of the extension sought. No premotion conference is required. Plaintiff shall file his motion to dismiss no later than **March 31, 2023**. Any further violations of this Court's orders may be sanctioned pursuant to Fed. R. Civ. P. 16(b)(4). **SO ORDERED** on March 24, 2023.

Barbara Moses
United States Magistrate Judge